

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Village Capital & Investment, LLC,

Plaintiff(s),

vs.

Brian Norbert Hummeldorf, et al.,

Defendant(s).

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Case Number: 1:18cv257

Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on April 17, 2018 (Doc. 5), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired May 1, 2018, hereby ADOPTS said Report and Recommendation.


Accordingly, Mr. Hummeldorf's petition for removal of a state court action to this federal court is DENIED.

This matter is hereby DISMISSED from the docket of this Court.

This matter is hereby REMANDED to the state court. *See* 28 U.S.C. §1447(c).

The Court certifies pursuant to 28 U.S.C. §1951(a) that an appeal of this Order will not be taken in good faith, therefore Mr. Hummeldorf is DENIED leave to file an appeal *in forma pauperis*. Mr. Hummeldorf is advised, however, that he remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Calliham v. Schneider*, 178, F.3d 800, 803 (6th Cir. 1999) overruling in part *Floyd v. United States Postal serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.


Judge Susan J. Dlott
United States District Court